

United States Bankruptcy Court
Eastern District of Virginia
Alexandria Division

In RE:
Young Sil Koh

BCN#: 22-10173-KHK
Chapter: 13

Debtor

DEUTSCHE BANK NATIONAL TRUST
COMPANY, as Trustee for MORGAN
STANLEY MORTGAGE LOAN TRUST
2004-11AR, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES
2004-11AR
or present noteholder,

Secured Creditor,

v.
Young Sil Koh
Debtor

OBJECTION OF DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE FOR
MORGAN STANLEY MORTGAGE LOAN TRUST 2004-11AR, MORTGAGE PASS-
THROUGH CERTIFICATES, SERIES 2004-11AR
TO PROPOSED CHAPTER 13 PLAN AND
CONFIRMATION THEREOF

DEUTSCHE BANK NATIONAL TRUST COMPANY, as Trustee for MORGAN STANLEY MORTGAGE LOAN TRUST 2004-11AR, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-11AR, and its assignees and/or successors in interest, a secured creditor in the above-entitled Bankruptcy proceeding, hereby submits the following objections to the confirmation of the Chapter 13 Plan proposed by Debtor:

1. This objecting secured creditor is the beneficiary of a trust deed on property commonly known as 6204 Otter Run Rd, Clifton, VA 20124; the promissory note and deed of trust were attached to the proof of claim filed by the secured creditor.
2. The debtor is due for estimated pre-petition arrears of \$489,713.65.
3. The proposed Plan does not set forth a reasonable schedule and time period for the payment of arrearages on the deed of trust.

4. The proposed Chapter 13 plan does not provide this objecting secured creditor with adequate protection or adequate security, according to Sections 362 and 1325(a) of the Code.

5. As indicated by the debtor's payment history and schedules, the Plan is not feasible.

6. The Plan does not propose to pay the secured creditor's entire claim, with estimated arrears of \$489,713.65.

7. The plan was not made in good faith, and the Debtor is a bad faith repeat filer. The only other creditor is secured by a vehicle. Debtor does not have sufficient income to cure the arrears, the bankruptcy was filed while the Debtor is under a bar to filing, and the purpose of the filing is to thwart the creditor's efforts to foreclose on the property.

Malcolm B. Savage, III, Esquire
William M. Savage, Esquire
Mary F. Balthasar Lake, Esquire
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Randa Azzam, Esquire
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(703) 449-5800 20-287195

CONCLUSION

Any Chapter 13 Plan proposed by Debtors must provide for and eliminate the objections specified above in order to be feasible and to provide adequate protection to this objecting secured creditor. It is respectfully requested that confirmation of the Chapter 13 Plan as proposed by Debtor be denied.

WHEREFORE, secured creditor prays as follows:

1. That confirmation of the proposed Chapter 13 Plan be denied.
2. For attorney's fees and costs incurred herein.
3. That a hearing be held 04/20/2022, 01:30 PM, Judge Kindred's Courtroom, 200 S. Washington Street, 3rd Floor, Courtroom III, Alexandria, VA, on this objection; however, the hearing shall be conducted pursuant to Standing Order 21-12. Please see Notice of Objection and Hearing.
4. For such other relief as this Court deems proper.

Dated: 3/14/2022

Respectfully submitted
DEUTSCHE BANK NATIONAL TRUST COMPANY, as
Trustee for MORGAN STANLEY MORTGAGE LOAN
TRUST 2004-11AR, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2004-11AR
By Counsel:

/s/ Mary F. Balthasar Lake

Malcolm B. Savage, III, Esquire
William M. Savage, Esquire
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(703) 449-5800

I certify that I have electronically transmitted and/or mailed true copies of the above Objections to the Chapter 13 Plan, by First Class Mail, postage prepaid on this 14th day of March, 2022, to the following:

Thomas P. Gorman
300 N. Washington St. Ste. 400
Alexandria, VA 22314

Young Sil Koh
6204 Otter Run Rd
Clifton, VA 20124

/s/ Mary F. Balthasar Lake

Malcolm B. Savage, III, Esquire
William M. Savage, Esquire
Mary F. Balthasar Lake, Esquire
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NOTICE OF OBJECTION AND HEARING

DEUTSCHE BANK NATIONAL TRUST COMPANY, as Trustee for MORGAN STANLEY MORTGAGE LOAN TRUST 2004-11AR, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2004-11AR has filed papers with the court objecting to the proposed Chapter 13 plan and confirmation thereof.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

In order to oppose this motion, you must also attend the preliminary hearing scheduled to be held on: 04/20/2022, 01:30 PM, Judge Kindred's Courtroom, 200 S. Washington Street, 3rd Floor, Courtroom III, Alexandria, VA; however, the hearing shall be conducted pursuant to Temporary Emergency Provisions Regarding ZoomGov Remote Proceeding Access Information which is available on the court's website.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

REMOTE HEARING INFORMATION:

Due to the COVID-19 public health emergency, no in-person hearings are being held.

This hearing will take place remotely through Zoom on the date and time scheduled herein.

To appear at the hearing, you must send, by email, a completed request form (the "Zoom Request Form"), which is available on the Court's internet website at www.vaeb.courts.gov, on the page titled, "Temporary Emergency Provisions Regarding ZoomGov Remote Proceeding Access Information." Email your completed Zoom Request Form to the email address listed for the Judge assigned to the case. Following receipt of your Zoom Request Form, Court staff will respond to the email address from which the request was submitted with additional information on how to participate through Zoom.

The email address shall be used only to submit Zoom Request Forms. No other matters or requests will be considered by Court staff, and under no circumstances will any such matters or requests be brought to the Judge's attention. Failure to comply with these instructions may result in appropriate action, including but not limited to the imposition of sanctions.

PLEASE NOTE: You MUST submit the Zoom Request Form no later than two (2) business days prior to this hearing. Any documentary evidence the parties wish to present at the hearing must be filed with the Court in advance of the hearing.

Dated: 3/14/2022

LOGS LEGAL GROUP LLP

Attorneys for DEUTSCHE BANK NATIONAL TRUST
COMPANY, as Trustee for MORGAN STANLEY
MORTGAGE LOAN TRUST 2004-11AR, MORTGAGE
PASS-THROUGH CERTIFICATES, SERIES 2004-11AR

/s/ Mary F. Balthasar Lake

By: _____
Malcolm B. Savage, III, Esquire
William M. Savage, Esquire
Mary F. Balthasar Lake, Esquire
Gregory N. Britto, Esquire
Randa Azzam, Esquire
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Manassas, Virginia 20109
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CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of March, 2022 the following person(s) were served a copy of the foregoing in the manner described below:

Via CM/ECF Electronic Notice:

Thomas P. Gorman
300 N. Washington St. Ste. 400
Alexandria, VA 22314

Chapter 13 Trustee

Via First Class Mail, Postage Prepaid:

Young Sil Koh
6204 Otter Run Rd
Clifton, VA 20124

Debtor(s)

/s/ Mary F. Balthasar Lake

Malcolm B. Savage, III, Esquire VSB #91050
William M. Savage, Esquire VSB #26155
Mary F. Balthasar Lake, Esquire VSB #34899
Gregory N. Britto, Esquire VSB #23476
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